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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/630,839	07/31/2003	Harumi Aoishi	Q76721	1972

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EXAMINER

WATKO, JULIE ANNE

ART UNIT	PAPER NUMBER
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2653

DATE MAILED: 09/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/630,839

Applicant(s)

AOISHI, HARUMI

Examiner

Julie Anne Watko

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-5 is/are allowed.
- 6) ☒ Claim(s) 6-8 is/are rejected.
- 7) ☒ Claim(s) 9-11 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 July 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. ____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.
2. Applicant cannot rely upon the foreign priority papers to overcome any rejection because a translation of said papers has not been made of record in accordance with 37 CFR 1.55. See MPEP § 201.15.

Drawings

3. Figures 6(a)-9 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

4. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the allowable claims are directed.

Claim Objections

5. Claim 8 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the

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claim(s) in independent form. Claim 8 is drawn to a drive. Limitations drawn to the cartridge fail to limit the claimed drive.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schick (US Pat. No. 6172849 B1).

As recited in claim 6, Schick shows a disk drive 11 including a slot (at top of drive 11 in Fig. 7) to which a disk cartridge 10 which a discoid recording medium 14 is rotatably contained in a housing is inserted, driving mechanism 40 which rotates the recording medium to be driven, and a read/write head 46 which accesses surface of the rotating recording medium to record/reproduce information, wherein the housing (including 18a and 18b) of the disk cartridge 10 is provided with an opening 13 for the read/write head to access (see Fig. 8) the surface of the recording medium, a rotary shutter 6 which opens/closes the opening and shutter locking means for locking the rotary shutter at a closed position, the disk drive further includes lock releasing means which releases a lock the rotary shutter by shutter locking means when inserting a disk cartridge into a disk drive, and shutter opening means which rotates the rotary shutter to an open position by resisting urging force of the spring member, the disk drive still further includes shutter closing means which leads the rotary shutter to the closed position by engaging with rotary shutter when ejecting the disk cartridge from the disk drive.

As recited in claim 6, Schick does not show the shutter of cartridge 10 being urged by a spring member a closing direction; however, Schick teaches that a spring is commonly used to provide a bias force to a shutter in a closing direction (see col. 1, lines 32-38).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to add a spring to the cartridge of Schick as taught by Schick. The rationale is as follows: one of ordinary skill in the art would have been motivated to add the spring in order to provide a bias force in a closing direction of the shutter as taught by Schick in order to close the shutter in case of accidental release of the detent means as is notoriously well known in the art.

As recited in claim 7, Schick teaches that the shutter closing means is constituted of an elastic member (spring).

As recited in claim 8, Schick shows that the shutter locking means provided rotatable in the disk cartridge comprises: a shutter locking member 36 having a convex engaging portion which can engage with a concave engaging portion 16c formed on a periphery of the rotary shutter, and provided between a shutter 5 locking position where the convex engaging portion engages with the concave engaging portion and a lock releasing position where the convex engaging portion is escaped from the concave engaging portion the housing (see two positions in Fig. 6); and a second spring member 34b which urges the shutter locking member toward the shutter locking position.

Allowable Subject Matter

8. Claims 1-5 are allowed.

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9. Claims 9-11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Inoue (JP 2003-115155) shows a disk cartridge comprising inner rotor 4, shutters 9 and 10 (see Fig. 24), opening 7, lock member 36 and rack member 71, wherein "it is not necessary to constitute the member for lock discharge of an inner rotor, and the member for a rotation drive in another member, and to drive these according to an individual" (see machine translation page 39).

Wakabayashi et al (JP 58-130476) show a disk cassette comprising rotatable shutter 7 and a spring 10 (see Figs. 2(b)-(c) and 3).

11. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julie Anne Watko whose telephone number is (571) 272-7597.

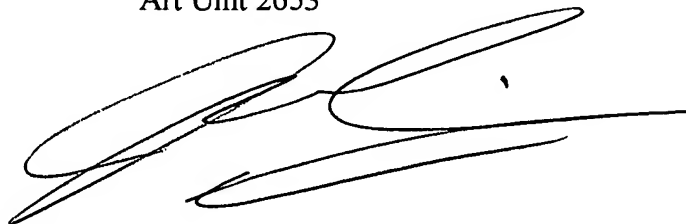
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The examiner can normally be reached on Mon, Tue, Thu & Fri until 4:45PM, Wed until 3:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William R. Korzuch can be reached on (571) 272-7589. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Julie Anne Watko
Primary Examiner
Art Unit 2653

September 11, 2005
JAW

A handwritten signature in black ink, appearing to read 'JAW', with a long horizontal flourish extending to the right.